

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Date 19.6.2002

The Applicant is present on call. Shri S.B. Jena, Ld. ASC has already filed an M.A. for the Respondents 2 & 4 and today files a memo for of appearance praying there is four weeks time to file counter. Heard

Time is granted till 15.7.2002.

M.A. is disposed of accordingly.

*M*  
REGISTRAR  
19/6/2002

Counter not filed.

Registrar

*M*  
12/7/02

15.07.02

Ld. Counsel for the Applicant is present. Shri S.B. Jena, Ld. ASC files an M.A. and prays for 2months time to file counter. Heard. Time is granted till 29.7.02 to file counter.

M.A. is disposed of accordingly.

*M*  
REGISTRAR  
15/7/2002

Counter not filed.

Registrar

*M*  
26/7/02

20 - 9 - 2002

Rejoinder filed and copy served. Pleadings completed. List this case for final hearing.

*M*  
20/9/2002  
Registrar

Order dated 11.10.2002

Pleadings are taken to be complete. Call this matter for hearing and final disposal after showing it in the Ready List.

*John*  
Vice Chairman, <sup>1/2</sup>  
Member (G)

Order dated 7.11.2002

Heard Shri B. Parida for the applicant and Shri S.B. Jena, Addl. Standing Counsel for the Respondents.

It appears that the case of the applicant was considered by the competent authority for a compassionate appointment, but did not approve the same on the grounds as stated by the Respondents at Annexure-R/6 that the death of the Government servant occurred long ago on 26.3.1997; the deceased family received the terminal benefits, and that the deceased family is in receipt of monthly pension and that the deceased family has

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29.07.02

The Applicant is absent on call. Shri S.B.Jena, Ld. ASC files one M.A. and prays for 02 months time to file counter. Heard. Time granted till 16.8.02 for counter.

M.A. is disposed of accordingly.

REGISTRAR

29

12/02

Counter not filed

Registration

My  
14/7/02

The Applicant is absent on call. Shri S.B.Jena, Ld. ASC prays for further time to file counter. Heard. Time granted till 23.8.02 for counter.

REGISTRAR

29

12/02

Counter filed. Copy  
not served.

Registration

My  
6/8/02

My  
9/8/02

left no liability of minor children. However, we do not feel these to be sufficient grounds to reject the prayer for compassionate appointment and in the aptness of things, we <sup>the Respondents</sup> ~~Shri~~ go deep into the matter to examine the liability of the family. As the Respondents have already disclosed in the counter that the deceased left behind him one son, i.e., the applicant and also an unmarried daughter, we remit this matter to the competent authority to give a fresh look and to examine the actual liability of the deceased family to see whether the applicant could be offered an appointment on compassionate ground subject to availability of a vacancy. While examining the case of the applicant afresh, as directed above, the competent authority should not take into account the quantum of terminal benefits and family pension received by the deceased family in order to determine the financial condition of the family for getting the benefit of compassionate appointment, as ~~held~~ observed by the Hon'ble Supreme Court in the case of Balbir Kaur & another vs. Steel Authority of India Ltd. & Ors. reported in 2002 (2) ATT (SC) 255.

The O.A. is disposed of as above. No costs

VICE-CHAIRMAN  
MEMBER (J)